

Law Offices
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930
Facsimile (202) 887-0357
Facsimile (202) 331-7519

RECEIVED

MAR 22 2007

PCT SPECIAL
PROGRAMS OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: March 22, 2007

TO: PCT Help Desk
U.S. Patent and Trademark Office

RE: National Stage of PCT application
Base on PCT/JP2004/017263
U.S. Patent Appl, S.N.: 10/579,743
By: SASAO, Tutomu, et al.
Attorney Docket No.: 060323

FROM: James E. Armstrong IV

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 3

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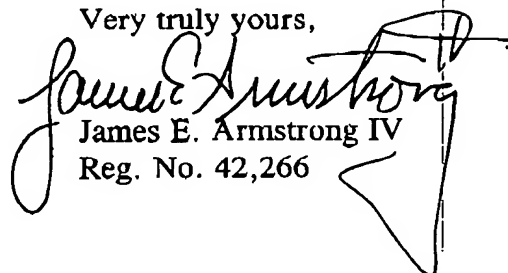
PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES BEING SENT

Dear Sir:

Pursuant to instruction by USPTO Contact Center, we forward our inquiry for the above case to you.

We appreciate for your assistance on this matter, and if you have any questions, please contact us at the above telephone number.

Very truly yours,


James E. Armstrong IV
Reg. No. 42,266

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From: Armstrong Patent Law
To: usptoinfo@uspto.gov
Date: Wed, Mar 21, 2007 9:02 AM
Subject: *Patents*

National Stage of PCT application
Base on PCT/JP2004/017263
U.S. Patent Appl. S.N.: 10/579,743
By: SASAO, Tutomu, et al.
Attorney Docket No.: 060323

Dear Sir,

We have questions regarding the above-identified case.

In this case, we have received a NOTICE OF MISSING REQUIREMENTS mailed on 1/31/2007 requesting to submit a declaration. In response to the NOTICE, we have already submitted the declaration on 3/5/2007.

In view of the PCT rule explained below, we actually filed two declarations in the above case.

First, we briefly explain how the above PCT Int'l application has progressed:
Applicants filed the PCT application on 11/19/2004 in Japan, at that time applicants filed their declaration written in Japanese in accordance with PCT Rule 4.17(iv), that is, the REQUEST of the PCT application includes a sheet of Box No. VIII(iv) "DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)."

PCT Rule 51 bis.2 (b) (See especially (iii)) states that any designated Office shall not require a declaration, if applicants have already filed their declaration in accordance with PCT Rule 4.17(iv) in their REQUEST as filed.

We believe that USPTO may not require any declaration again, when applicants have already filed their declaration in their REQUEST as filed.

In addition, according to 37 CFR §1.69, no translation of a declaration is requested even though the declaration is written in non-English language, when the declaration was included in a REQUEST as filed.

As mentioned above, the applicants filed their declaration as filed in the PCT application, however we have received the NOTICE.

We would like to know why PTO requested the applicants to furnish their declaration in U.S. national stage, after complying with the PCT declaration rules.

So we have two questions below.

- (1) Could we have the reason why the PTO requested the applicants to furnish the declaration again in U.S. national stage even if they have already filed the declaration as filed in the PCT application?
- (2) Is it allowed that PTO has two original declarations in the application?

It would be appreciated, if you can answer the above questions and explain about the above matters.

Thank you for your assistance.

Very truly yours,
James E. Armstrong IV
Reg. No. 42,266

1725 K St. N.W., Suite 1000
Washington, D.C. 20006 USA
Tel: +1 (202) 659-2930
Fax: +1 (202) 887-0357
www.armstrongpatentlaw.com

CC: Jamie Armstrong